

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>05-230</u>
v.	:	DATE FILED: <u>4/19/05</u>
SHAWN PRESLEY,	:	VIOLATIONS:
a/k/a "SHAW"	:	21 U.S.C. § 841(a)(1)
		(distribution of cocaine base ("crack") -
		5 counts)
	:	21 U.S.C. § 860(a) (distribution of cocaine
		base ("crack") within 1,000 feet of a
		school - 5 counts)
	:	21 U.S.C. § 841(a)(1) & (b)(1)(B)
		(possession with intent to distribute
		cocaine base ("crack") - 1 count)
	:	21 U.S.C. § 860(a) (possession with intent
		to distribute cocaine base ("crack")
		within 1,000 feet of a school - 1 count)
	:	21 U.S.C. § 841(a)(1) & (b)(1)(D)
		(possession with intent to distribute
		marijuana - 1 count)
	:	21 U.S.C. § 860(a) (possession with intent
		to distribute marijuana within 1,000 feet
		of a school - 1 count)
	:	18 U.S.C. § 922(g)(1)
		(possession of ammunition by a
		convicted felon-1 count)
	:	Notice of criminal forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

knowingly and intentionally distributed to O. J., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

knowingly and intentionally distributed to O. J., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

knowingly and intentionally distributed to S. W., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally distributed to S. W., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

knowingly and intentionally distributed to S. C., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally distributed to S. C., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally distributed to R. F., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally distributed to R. F., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally distributed to E.S., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 1, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally distributed to E.S., a person known to the grand jury, a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section 860(a).

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

knowingly and intentionally possessed with intent to distribute more than 5 grams, that is, approximately 43.88 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT TWELVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a “SHAW,”**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section, 860(a).

COUNT THIRTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**SHAWN PRESLEY,
a/ka "SHAW,"**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a
detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT FOURTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of marijuana, a Schedule I controlled substance, within 1,000 feet of the real property comprising the Ethel Allen Elementary School, a public school, located at 3100 W. Lehigh Avenue in Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 21, United States Code, Section, 860(a).

COUNT FIFTEEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 3, 2004, in Philadelphia in the Eastern District of
Pennsylvania, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, ammunition, that is, sixteen .380 caliber rounds, ten 9 millimeter rounds, and one .40 caliber round.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 922(g)(1), set forth in Count Fifteen of this indictment, defendant

**SHAWN PRESLEY,
a/k/a "SHAW,"**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), the ammunition involved in the commission of this offense, including, but not limited to, sixteen .380, ten 9 millimeter, and one .40 caliber rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**